

REMARKS

Claims 1, 2, 4-8, 14-35, 37-41, 45-53, 57-61, 63-65, 67-72, 74-77, 79-119, and 128-135 are pending, with claims 1, 45, 76, 112, 128, and 134 being independent. Claims 3, 9-13, 36, 42-44, 54-56, 62, 66, 73, 78, and 120-127 have been cancelled. Claims 76, 77, and 79-102 have been withdrawn. No new subject matter has been added.

35 U.S.C. § 103(a) REJECTIONS

Claims 1, 5-6, 19-34, 37-39, 104-105, 112, 118-119, 128, and 133-135 are rejected under 35 U.S.C. § 103(a) as being obvious over Kitani et al., U.S. Patent. Pub. 2001/0019612, in view of Kitani 869, U.S. Patent Pub. No. 2003/0231869).

The Examiner is respectfully directed to independent Claim 1, which recites that an embodiment is directed toward:

Apparatus, comprising:

a media reader having a read element capable of being communicatively coupled to a DVD compliant with the CSS specifications and containing scrambled digital content;

a storage element including an input disposed for receiving the scrambled digital content from the media reader, the storage element configured to non-evanescently store the scrambled digital content using a storage technique substantially different from the DVD without descrambling said scrambled digital content; and

a playback device coupled to the storage element, the playback device comprising:

an input disposed for receiving the scrambled digital content, said scrambled digital content at the input scrambled in accordance with a content scramble system (CSS);

a descrambler, for descrambling said scrambled digital content into unscrambled digital content;

a decoder, coupled to said descrambler, for decompressing said unscrambled digital content into a media stream; and

an output, coupled to said decoder, configured to output said media stream.

Independent Claims 112, 128 and 134 recite similar limitations. Claims 5-6, 19-34, 37-39, and 104-105 are dependent upon Claim 1, and recite further features of the claimed embodiment. Claims 118-119 are dependent upon Claim 112, and recite further features of the claimed embodiment. Claim 133 is dependent upon Claim 128, and recites further features of the claimed embodiment. Claim 135 is dependent upon Claim 134, and recites further features of the claimed embodiment.

As previously discussed, Applicants understand Kitani to purport to describe a motion-picture distribution method, involving randomizing data corresponding to a motion picture, scrambling the randomized data and encoding it onto a number of DVDs, transporting the DVDs to a movie theater, loading the DVDs onto a server device, descrambling and serializing the data corresponding to the motion picture, scrambling the reserialized motion picture data, and sending it to a projection device, where it is descrambled and stored (*see, e.g.*, Figs. 9 and 10, and corresponding description).

Applicants respectfully submit that Kitani fails to teach or suggest a playback device coupled to the storage element, the playback device comprising: an input disposed for receiving the scrambled digital content, said scrambled digital content at the input scrambled in accordance with a content scramble system (CSS); a descrambler, for descrambling said scrambled digital content into unscrambled digital content; a decoder, coupled to said descrambler, for decompressing said unscrambled digital content into a media stream; and an output, coupled to

said decoder, configured to output said media stream, as claimed. Specifically, Kitani fails to teach or suggest a playback device which includes a descrambler for descrambling the scrambled digital content originally found on a DVD, coupled to a decoder for decompressing the unscrambled digital content into a media stream, as claimed.

The rejection suggests combining the teachings of Kitani 869 with those of Kitani, in order to teach or suggest this limitation. Applicants respectfully contend that such a combination would be improper, as Applicants contend that Kitani cannot be modified using the teachings of Kitani 869, as described in the rejection, without rendering the teachings of Kitani unsatisfactory for its intended purpose.

According to MPEP 2143.01, “[i]f the proposed modification or combination of the prior art would change the principle of operation of the invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959)” (emphasis added). Moreover, “[i]f the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984)” (emphasis added).

The rejection suggests that incorporating “the teachings in Kitani 869 into the PC end as taught in Kitani in order to allow the operator of the PC play back the scene data during the serialization thus enhancing the interface of the sorting process” (rejection at p. 4). Applicants

interpret this as suggesting that the “disk player” apparatus depicted in Kitani 869 at Figure 17 should be incorporated into serialization apparatus 51 of Kitani, for use sometime during the process described by Figure 10 of Kitani.

However, Applicants respectfully contend that such an inclusion would be incompatible with Kitani’s intended purpose. Specifically, the combination required by the rejection would need to perform in the following manner:

- 1) DVD-ROMs 15-1 through 15-3 (containing the deserialized data) are loaded into serialization apparatus 51, and the deserialized units 43-1, 43-2, etc. are copied hard disk drive 63 (see, e.g., [0095] of Kitani).
- 2) CPU 60 decrypts scene data 46, from units 43-1 et al., and produces *non-serial* data 44 (see, e.g., [0096] of Kitani).
- 3) The “disk player” of Kitani 869 is somehow used to playback the non-serial data 44, with CPU 60 acting as a descrambler.
- 4) CPU 60 sorts the scene data provided in non-serial data 44, and produces encrypted serial video data 80 (see, e.g., [0096] of Kitani).
- 5) Encrypted serial video data 80 is stored in hard disk drive 73 of projector 52.

However, at the above-described third step, there is no suggestion in Kitani that non-serial data 44 is playable. To the contrary: the description of how the non-serial data is created (Kitani at [0083]), as well as the stated purpose of enabling safe distribution (e.g., [0010]), strongly suggests that the individual data sets are not individually playable, until they are re-

serialized.

As Kitani, alone or in combination with Kitani 869, fails to disclose the claimed limitations, and does not describe every limitation arranged or combined in the same way as in the claimed embodiment, Applicants respectfully submit that Kitani fails to anticipate or render obvious the embodiments of the invention recited in Claims 1, 112, 128, and 134, and that the claimed embodiment recited in these claims overcome the rejection under 35 U.S.C. 103(a), and are in condition for allowance. Accordingly, Applicants further submit that the remaining dependent Claims overcome the basis for rejection under 35 U.S.C. 103(a), as they are dependent on allowable base claims.

The Examiner is respectfully directed to independent Claim 45, which recites that an embodiment is directed toward:

A method of playing a DVD, including steps of
 reading the DVD including scrambled digital content representing at least
 one media stream scrambled in accordance with a content scramble system (CSS);
 non-evanescently storing the scrambled digital content in a protected form
 using a storage mechanism different from the DVD;
 descrambling said scrambled digital content into unscrambled digital
 content, immediately prior to decompressing said unscrambled digital content into
 said media stream; and
 playing back the media stream.

Claims 46-48, 50-51, 59-61, 64, 69-72, and 74 are dependent upon Claim 45, and recite further features of the claimed embodiments.

The Examiner is further respectfully directed to the discussion above of Claim 1 and

Kitani. Applicants respectfully repeat those arguments here, and assert that Kitani fails to teach or suggest a method of playing a DVD, wherein scrambled digital content is descrambled into unscrambled digital content, immediately prior to decompressing the unscrambled digital content into a media stream, as claimed.

The rejection asserts that conversion into analog, digital or analog and digital audiovisual content for presentation is well-known in the art. Applicants concur. However, this knowledge is insufficient to correct the defect in Kitani.

Applicants respectfully submit that Kitani, alone or in combination with knowledge of the art, fails to anticipate or render obvious the embodiments of the invention recited in Claim 45, and that the claimed embodiment recited in this claim overcomes the rejection under 35 U.S.C. 103(a), and is in condition for allowance. Accordingly, Applicants further submit that Claims 46-48, 50-51, 59-61, 64, 69-72, and 74 overcome the basis for rejection under 35 U.S.C. 103(a), as they are dependent on an allowable base claim.

Claim 2 is rejected under 35 U.S.C. § 103(a) as being obvious in view of Kitani, further in view of Ciacelli et al., U.S. Patent No. 6,236,727.

The Examiner is respectfully directed to independent Claim 1, reproduced above. Claim 2 is dependent on Claim 1, and recites further features of the claimed embodiment.

As discussed above, Applicants respectfully contend that Kitani fails to teach or suggest every element of Claim 1. Ciacelli fails to remedy this defect in Kitani, as Ciacelli similarly fails to teach or suggest a playback device coupled to the storage element, the playback device comprising: an input disposed for receiving the scrambled digital content, said scrambled digital content at the input scrambled in accordance with a content scramble system (CSS); a descrambler, for descrambling said scrambled digital content into unscrambled digital content; a decoder, coupled to said descrambler, for decompressing said unscrambled digital content into a media stream; and an output, coupled to said decoder, configured to output said media stream, as claimed.

Accordingly, Applicants respectfully submit that Kitani, alone or in combination with Ciacelli, fails to anticipate or render obvious the embodiments of the invention recited in Claim 2, and that the claimed embodiment recited in this claim overcomes the rejection under 35 U.S.C. 103(a), and is in condition for allowance.

Claims 4, 7-8, 33, 35, 40-41, 52-53, 63, 67-68, 75, and 109 are rejected under 35 U.S.C. § 103(a) as being obvious in view of Kitani, further in view of Wehrenberg.

As regards claims 4, 7-8, 33, 35, 40-41, and 109, the Examiner is respectfully directed to independent Claim 1, reproduced above. Claims 4, 7-8, 33, 35, 40-41, and 109 are dependent on Claim 1, and recite further features of the claimed embodiment.

As discussed above, Applicants respectfully submit that Kitani fails to teach or suggest every element of Claim 1. Wehrenberg fails to remedy this defect in Kitani, as Wehrenberg similarly fails to teach or suggest a playback device coupled to the storage element, the playback device comprising: an input disposed for receiving the scrambled digital content, said scrambled digital content at the input scrambled in accordance with a content scramble system (CSS); a descrambler, for descrambling said scrambled digital content into unscrambled digital content; a decoder, coupled to said descrambler, for decompressing said unscrambled digital content into a media stream; and an output, coupled to said decoder, configured to output said media stream, as claimed.

Accordingly, Applicants respectfully submit that Kitani, alone or in combination with Wehrenberg, fails to anticipate or render obvious the embodiments of the invention recited in these claims, and that the claimed embodiments recited in these claims overcome the rejection under 35 U.S.C. 103(a), and are in condition for allowance.

As regards claims 49, 52-53, 65, 67-68, and 75, the Examiner is respectfully directed to independent Claim 45, reproduced above. Claims 49, 52-53, 65, 67-68, and 75 are dependent on Claim 45, and recite further features of the claimed embodiment.

As discussed above, Applicants respectfully submit that Kitani fails to teach or suggest every element of Claim 45. Wehrenberg fails to remedy this defect in Kitani, as Wehrenberg similarly fails to teach or suggest a method of playing a DVD, wherein scrambled digital content

is descrambled into unscrambled digital content, immediately prior to decompressing the unscrambled digital content into a media stream, as claimed.

Accordingly, Applicants respectfully submit that Kitani, alone or in combination with Wehrenberg, fails to anticipate or render obvious the embodiments of the invention recited in these claims, and that the claimed embodiments recited in these claims overcome the rejection under 35 U.S.C. 103(a), and are in condition for allowance.

Claims 14 and 15 are rejected under 35 U.S.C. § 103(a) as being obvious over Kitani, in view of Akiba et al., U.S. Patent No. 6,353,540, further in view of Ichinol et al., U.S. Patent Pub. 2001/0014946.

The Examiner is respectfully directed to independent Claim 1, reproduced above. Claims 14 and 15 are dependent on Claim 1, and recite further features of the claimed embodiment.

As discussed above, Applicants respectfully contend that Kitani fails to teach or suggest every element of Claim 1. Akiba fails to remedy this defect in Kitani, as Akiba similarly fails to teach or suggest a playback device coupled to the storage element, the playback device comprising: an input disposed for receiving the scrambled digital content, said scrambled digital content at the input scrambled in accordance with a content scramble system (CSS); a descrambler, for descrambling said scrambled digital content into unscrambled digital content; a decoder, coupled to said descrambler, for decompressing said unscrambled digital content into a

media stream; and an output, coupled to said decoder, configured to output said media stream, as claimed. Similarly, Ichinol fails to remedy this defect in Kitani, as Ichinol also fails to teach or suggest a playback device coupled to the storage element, the playback device comprising: an input disposed for receiving the scrambled digital content, said scrambled digital content at the input scrambled in accordance with a content scramble system (CSS); a descrambler, for descrambling said scrambled digital content into unscrambled digital content; a decoder, coupled to said descrambler, for decompressing said unscrambled digital content into a media stream; and an output, coupled to said decoder, configured to output said media stream, as claimed.

Accordingly, Applicants respectfully submit that Kitani, alone or in combination with Akiba or Ichinol, fails to anticipate or render obvious the embodiments of the invention recited in Claims 14 and 15, and that the embodiments recited in these claims overcome the rejection under 35 U.S.C. 103(a), and are in condition for allowance.

Claims 16-17, 57, 113, and 129 are rejected under 35 U.S.C. § 103(a) as being obvious over Kitani, in view of Chan et al., U.S. Patent Pub. 2004/0001704.

As regards Claims 16-17 and 129, the Examiner is respectfully directed to independent Claim 1, reproduced above. Independent Claim 120 recites similar limitations. Claims 16 and 17 are dependent on Claim 1, and recite further features of the claimed embodiment. Claim 129 is dependent on Claim 1, and recites further features of the claimed embodiment.

As discussed above, Applicants respectfully contend that Kitani fails to teach or suggest every element of Claim 1. Chan fails to remedy this defect in Kitani, as Chan similarly fails to teach or suggest a playback device coupled to the storage element, the playback device comprising: an input disposed for receiving the scrambled digital content, said scrambled digital content at the input scrambled in accordance with a content scramble system (CSS); a descrambler, for descrambling said scrambled digital content into unscrambled digital content; a decoder, coupled to said descrambler, for decompressing said unscrambled digital content into a media stream; and an output, coupled to said decoder, configured to output said media stream, as claimed.

Accordingly, Applicants respectfully submit that Kitani, alone or in combination with Chan, fails to anticipate or render obvious the embodiments of the invention recited in Claims 16, 17, and 129, and that the embodiments recited in these claims overcome the rejection under 35 U.S.C. 103(a), and are in condition for allowance.

As regards Claims 57 and 113, the Examiner is respectfully directed to independent Claim 45, reproduced above. Independent Claim 112 recites similar limitations. Claim 57 is dependent on Claim 45, and recites further features of the claimed embodiment. Claim 113 is dependent on Claim 112, and recites further features of the claimed embodiment.

As discussed above, Applicants respectfully submit that Kitani fails to teach or suggest every element of Claim 45. Chan fails to remedy this defect in Kitani, as Chan similarly fails to

teach or suggest a method of playing a DVD, wherein scrambled digital content is descrambled into unscrambled digital content, immediately prior to decompressing the unscrambled digital content into a media stream, as claimed.

Accordingly, Applicants respectfully submit that Kitani, alone or in combination with Chan, fails to anticipate or render obvious the embodiments of the invention recited in these claims, and that the claimed embodiments recited in these claims overcome the rejection under 35 U.S.C. 103(a), and are in condition for allowance.

Claims 18, 58, 114, and 130 are rejected under 35 U.S.C. § 103(a) as being obvious over Kitani, in view of Chan et al., U.S. Patent Pub. 2004/0001704, further in view of Hughes, Jr. et al., U. S. Patent. Pub. 2004/0033061.

As regards Claim 18, the Examiner is respectfully directed to independent Claim 1, reproduced above. Claim 18 is dependent on Claim 1, and recites further features of the claimed embodiment.

As discussed above, Applicants respectfully contend that Kitani and Chan fail to teach or suggest every element of Claim 1. Hughes fails to remedy this defect in Kitani, as Hughes similarly fails to teach or suggest a playback device coupled to the storage element, the playback device comprising: an input disposed for receiving the scrambled digital content, said scrambled digital content at the input scrambled in accordance with a content scramble system (CSS); a

descrambler, for descrambling said scrambled digital content into unscrambled digital content; a decoder, coupled to said descrambler, for decompressing said unscrambled digital content into a media stream; and an output, coupled to said decoder, configured to output said media stream, as claimed.

Accordingly, Applicants respectfully submit that Kitani, alone or in combination with Chan and Hughes, fails to anticipate or render obvious the embodiments of the invention recited in Claim 18, and that the embodiments recited in this claim overcome the rejection under 35 U.S.C. 103(a), and are in condition for allowance.

As regards Claims 58, 114, and 130, the Examiner is respectfully directed to independent Claim 45, reproduced above. Independent Claims 112 and 128 recite similar limitations. Claim 58 is dependent on Claim 45, and recites further features of the claimed embodiment. Claim 114 is dependent on Claim 112, and recites further features of the claimed embodiment. Claim 130 is dependent on Claim 128, and recites further features of the claimed embodiment.

As discussed above, Applicants respectfully submit that Kitani and Chan fail to teach or suggest every element of Claim 45. Hughes fails to remedy this defect in Kitani, as Hughes similarly fails to teach or suggest a method of playing a DVD, wherein scrambled digital content is descrambled into unscrambled digital content, immediately prior to decompressing the unscrambled digital content into a media stream, as claimed.

Accordingly, Applicants respectfully submit that Kitani, alone or in combination with Chan and Hughes, fails to anticipate or render obvious the embodiments of the invention recited in these claims, and that the claimed embodiments recited in these claims overcome the rejection under 35 U.S.C. 103(a), and are in condition for allowance.

Claim 103 is rejected under 35 U.S.C. § 103(a) as being obvious over Kitani, in view of Shillo, U.S. Patent Pub. 2003/0110263.

The Examiner is respectfully directed to independent Claim 1, reproduced above. Claim 103 is dependent on Claim 1, and recites further features of the claimed embodiment.

As discussed above, Applicants respectfully contend that Kitani fail to teach or suggest every element of Claim 1. Shillo fails to remedy this defect in Kitani, as Shillo similarly fails to teach or suggest a playback device coupled to the storage element, the playback device comprising: an input disposed for receiving the scrambled digital content, said scrambled digital content at the input scrambled in accordance with a content scramble system (CSS); a descrambler, for descrambling said scrambled digital content into unscrambled digital content; a decoder, coupled to said descrambler, for decompressing said unscrambled digital content into a media stream; and an output, coupled to said decoder, configured to output said media stream, as claimed.

Accordingly, Applicants respectfully submit that Kitani, alone or in combination with Shillo, fails to anticipate or render obvious the embodiments of the invention recited in Claim 103, and that the embodiments recited in this claim overcome the rejection under 35 U.S.C. 103(a), and are in condition for allowance.

Claims 106-108, 110-111, 115-117, and 131-132 are rejected under 35 U.S.C. § 103(a) as being obvious over Kitani, in view of Porter et al., U.S. Patent Pub. 2003/0226029.

As regards Claims 106-108 and 110-111, the Examiner is respectfully directed to independent Claim 1, reproduced above. Claims 106-108 and 110-111 are dependent on Claim 1, and recite further features of the claimed embodiment.

As discussed above, Applicants respectfully contend that Kitani fails to teach or suggest every element of Claim 1. Porter fails to remedy this defect in Kitani, as Porter similarly fails to teach or suggest a playback device coupled to the storage element, the playback device comprising: an input disposed for receiving the scrambled digital content, said scrambled digital content at the input scrambled in accordance with a content scramble system (CSS); a descrambler, for descrambling said scrambled digital content into unscrambled digital content; a decoder, coupled to said descrambler, for decompressing said unscrambled digital content into a media stream; and an output, coupled to said decoder, configured to output said media stream, as claimed.

Accordingly, Applicants respectfully submit that Kitani, alone or in combination with Porter, fails to anticipate or render obvious the embodiments of the invention recited in Claim 18, and that the embodiments recited in this claim overcome the rejection under 35 U.S.C. 103(a), and are in condition for allowance.

As regards Claims 115-117, and 131-132, the Examiner is respectfully directed to independent Claim 45, reproduced above. Independent Claims 112 and 128 recite similar limitations. Claims 115-117 are dependent on Claim 112, and recite further features of the claimed embodiment. Claims 131-132 are dependent on Claim 128, and recite further features of the claimed embodiment.

As discussed above, Applicants respectfully submit that Kitani fail to teach or suggest every element of Claim 45. Porter fails to remedy this defect in Kitani, as Porter similarly fails to teach or suggest a method of playing a DVD, wherein scrambled digital content is descrambled into unscrambled digital content, immediately prior to decompressing the unscrambled digital content into a media stream, as claimed.

Accordingly, Applicants respectfully submit that Kitani, alone or in combination with Porter, fails to anticipate or render obvious the embodiments of the invention recited in these claims, and that the claimed embodiments recited in these claims overcome the rejection under 35 U.S.C. 103(a), and are in condition for allowance.

Conclusion

In light of the above-listed amendments and remarks, Applicants respectfully request allowance of the remaining Claims.

The Examiner is urged to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

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